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NOTES OF CASES.

Prior Action between Same Parties as Ground for Abatement.—In *Van Vleck v. Anderson*, 113 Northwestern Reporter, 853, the Supreme Court of Iowa holds that the general rule that, in order that one action may be abated through the pendency of a prior action, the parties must occupy the same position as plaintiffs and defendants has exceptions, which do not permit successive actions to be brought to construe a will with the parties reversed.

Removal of Cause on Account of Diverse Citizenship.—A corporation composed of a consolidation of various companies organized in different states was held, by the United States Supreme Court in *Patch v. Wabash Ry. Co.*, 28 Supreme Court Reporter, 80, not entitled to remove a suit brought against it in a court of a state in which one of the constituent companies was incorporated, to a federal court. The fact that it was incorporated in other states than that in which the suit was brought was held not to make it a nonresident.

Misstatement of Opinion of Court by Newspaper as Contempt.—A newspaper published a misstatement of an opinion handed down by the Supreme Court of Rhode Island. In contempt proceedings therefor the paper alleged that the error was unintentional. The court held its good intentions afforded no excuse in view of the fact that its act in attempting to state the law was purely voluntary, but allowed it to purge itself by publishing the opinion in the contempt case on its editorial page where the former article appeared. The decision is reported as *In re Providence Journal Co.*, 68 Atlantic Reporter, 428.

Liability of Directors for Wrongful Payment of Dividends.—In an action against a corporation to recover moneys wrongfully paid to stockholders out of the capital as dividends, a plea that a committee appointed to investigate the matter reported such action unnecessary, and that at a meeting of the stockholders the majority voted against such action, was held, by the Court of Errors and Appeals of New Jersey, in the case of *Seigman v. Electric Vehicle Co.*, 65 Atlantic Reporter, 910, to state no defense. The court said that the violation of the New Jersey statutes on this subject affected not only the rights of the stockholders, but also those of the creditors, and that, even if it could be sanctioned by unanimous vote, this could not take away the right of the public to be not misled as to the actual corporate assets.

Change of Statute of Limitations.—The Supreme Judicial Court of Massachusetts, in *Mulvey v. City of Boston*, 83 Northeastern Reporter, 402, held that a change by the Legislature of the statute of limitations from six years to two, allowing 30 days in which to bring